
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that the prevalence of
3 drivers violating Hawaii's traffic laws, particularly drivers
4 who fail to stop at red lights, has become intolerable. These
5 violations endanger the lives of motorists, pedestrians, and
6 other highway users and compound the already hazardous
7 conditions on Hawaii's roads and highways. In recent years, it
8 has become increasingly common to hear reports of hit-and-run
9 drivers who have struck children or the elderly.

10 The increasing number of reports of drivers who fail to
11 stop at red lights is a particularly concerning trend in traffic
12 violations that could be remedied easily and quickly through the
13 use of simple, yet efficient technology. In other jurisdictions
14 in the United States and in countries throughout the world,
15 including Canada and those in Europe, photo red light imaging
16 detector systems have proven reliable, efficient, and effective
17 in identifying and deterring drivers who run red lights.



1 The legislature finds that photo red light imaging detector
2 systems are safe, quick, cost-effective, and efficient. No
3 traffic stop is involved, and a police officer is not at risk
4 from passing traffic or armed violators. Photo red light
5 imaging detector systems use cameras positioned at intersections
6 where red light violations are a major cause of collisions,
7 serving as a twenty-four-hour deterrent to red light violations.
8 Sensors are buried under a crosswalk and lead to a self-
9 contained camera system mounted on a nearby structure. When a
10 vehicle enters the intersection against a red light, the camera
11 takes a telephoto color picture of the rear of the car,
12 capturing an image of the license plate. A second wide-angle
13 photograph records the entire intersection, including other
14 traffic.

15 The legislature finds that these systems provide numerous
16 benefits. Not only are streets safer, but police officers,
17 freed from the time-consuming duties of traffic enforcement,
18 have more time to respond to priority calls. A violator is less
19 likely to go to court because the color photograph of the
20 violation, imprinted with the time, date, and location of the
21 violation, and the number of seconds the light had been red



1 before the violator entered the intersection, can be used as
2 evidence in court. Few cases are contested using this system,
3 and officers make fewer court appearances, thus saving costs.

4 The system may also result in lower insurance costs for
5 safe drivers through an overall reduction in crashes and
6 injuries and by placing system costs on violators instead of
7 law-abiding taxpayers. This system ensures that traffic laws
8 are impartially enforced, and safety and efficiency are
9 increased by reducing the number of chases and personnel
10 required for traffic accident clean-up, investigation, and court
11 testimony.

12 While the legislature established photo speed imaging
13 detector and photo red light imaging detector systems to improve
14 traffic safety and enforcement through the passage of Act 234,
15 Session Laws of Hawaii 1998, implementation of these systems as
16 traffic enforcement tools in January 2002 generated intense
17 public opposition. As a result of this opposition, the
18 legislature repealed Act 234 in its entirety by Act 58, Session
19 Laws of Hawaii 2002. However, opposition to these programs was
20 directed primarily toward the photo speed imaging detector
21 system and the method by which that program was implemented.



1 The public perceived that the program was operated to maximize
2 revenue for the vendor running the program rather than to
3 improve traffic safety.

4 Though many of the concerns raised regarding photo speed
5 imaging detector systems were and continue to be valid, the use
6 of photo red light imaging detector systems appears to be a more
7 acceptable method of traffic enforcement, as a motorist's
8 disregard of a steady red traffic signal is evident. The
9 legislature finds that establishing a photo red light imaging
10 detector systems pilot program will serve as a useful traffic
11 enforcement tool and is in the best interest of public safety on
12 Hawaii's roadways.

13 Accordingly, the purpose of this Act is to:

- 14 (1) Establish a three-year pilot program in major arterial
15 zones on state or county highways within a specified
16 area to provide for the implementation of photo red
17 light imaging detector systems to improve traffic
18 enforcement;
- 19 (2) Authorize any affected county to implement the photo
20 red light imaging detector systems pilot program; and



1 (3) Appropriate funds for the establishment of a photo red
2 light imaging detector systems pilot program.

3 PART II

4 SECTION 2. **Definitions.** As used in this Act, unless the
5 context otherwise requires:

6 "County" means a county with a resident population of
7 greater than five hundred thousand.

8 "County highway" has the same meaning as used in section
9 264-1, Hawaii Revised Statutes.

10 "Department" means the department of transportation.

11 "Motor vehicle" has the same meaning as defined in section
12 291C-1, Hawaii Revised Statutes.

13 "Photo red light imaging detector" means a device used for
14 traffic enforcement that includes a vehicle sensor that works in
15 conjunction with a traffic-control signal and a camera or
16 similar device to automatically produce a photographic, digital,
17 or other visual image of a vehicle that has disregarded a steady
18 red traffic-control signal in violation of section 291C-32,
19 Hawaii Revised Statutes, and a photographic, digital, or other
20 visual image of the driver of the motor vehicle.



1 "State highway" has the same meaning as used in section
2 264-1, Hawaii Revised Statutes.

3 "Traffic-control signal" has the same meaning as defined in
4 section 291C-1, Hawaii Revised Statutes.

5 SECTION 3. **Photo red light imaging detector systems pilot**
6 **program; established.** There is established the photo red light
7 imaging detector systems pilot program to enforce the traffic-
8 control signal laws of the State, which may be implemented in
9 the major arterial zones on state or county highways within the
10 area designated in section 4 of this Act.

11 SECTION 4. **Pilot program designated area; boundaries.** The
12 photo red light imaging detector systems pilot program district
13 is established. The district shall include all major arterial
14 zones in that area in the city and county of Honolulu bounded by
15 McCully Street from South King Street to its intersection with
16 Kapiolani Boulevard; Kapiolani Boulevard from McCully Street to
17 its intersection with Piikoi Street; Piikoi Street from
18 Kapiolani Boulevard to its intersection with Ala Moana
19 Boulevard; Ala Moana Boulevard from Piikoi Street to its
20 intersection with Fort Street; Nimitz Highway from Fort Street
21 to its intersection with Nuuanu Avenue; Nuuanu Avenue from



1 Nimitz Highway to its intersection with Vineyard Boulevard;
2 Vineyard Boulevard from Nuuanu Avenue to its intersection with
3 Lusitana Street; Lusitana Street from Vineyard Boulevard to its
4 intersection with Kinau Street; Kinau Street from Lusitana
5 Street to its intersection with Pensacola Street; Pensacola
6 Street from Kinau Street to its intersection with South King
7 Street; and South King Street from Pensacola Street to its
8 intersection with McCully Street.

9 SECTION 5. **County powers and duties.** Each affected county
10 may establish and implement, in accordance with this Act, a
11 photo red light imaging detector system imposing monetary
12 liability on the operator of a motor vehicle for failure to
13 comply with traffic-control signal laws. Each county may
14 provide for the procurement, location, installation, operation,
15 maintenance, and repair of the photo red light imaging detector
16 system. Prior to the installation and operation of any photo
17 red light imaging detector system, the county shall conduct a
18 comprehensive engineering review and study of each intersection
19 considered for enforcement via the photo red light imaging
20 detector system and shall implement all necessary and
21 appropriate engineering, design, and traffic-control-signal



1 timing measures. Where the photo red light imaging detector
2 system affects state property, the department shall cooperate
3 with and assist the county as needed to install, maintain, and
4 repair the photo red light imaging detector system established
5 pursuant to this Act.

6 SECTION 6. **Photo red light imaging detector system**
7 **requirements.** (a) Photo red light imaging detector equipment
8 shall be positioned within the pilot program designated area
9 established in section 4 of this Act at the ten intersections
10 with the highest motor vehicle accident rates during the time
11 period beginning on January 1, 2018, and ending on March 15,
12 2019. Intersections shall not be selected solely because they
13 experience high volumes of traffic. Photo red light imaging
14 detector equipment shall be operated from a fixed pole, post, or
15 other fixed structure on a state or county highway.

16 (b) Signs and other official traffic-control devices
17 indicating that traffic signal laws are enforced by a photo red
18 light imaging detector system shall be posted on all major
19 routes entering the area designated by section 4 of this Act to
20 provide, as far as practicable, notice to drivers of the
21 existence and operation of the system.



1 (c) Proof of a traffic-control signal violation shall be
2 as evidenced by information obtained from the photo red light
3 imaging detector system authorized pursuant to this Act. A
4 certificate, sworn to or affirmed by the county's agent or
5 employee, or a facsimile thereof, based upon inspection of
6 photographs, microphotographs, videotape, or other recorded
7 images produced by the system, shall be prima facie evidence of
8 the facts contained therein. Any photographs, microphotographs,
9 videotape, or other recorded images evidencing a violation shall
10 be available for inspection in any proceeding to adjudicate the
11 liability for that violation.

12 (d) No notice of traffic infraction pursuant to the photo
13 red light imaging detector systems program shall be issued
14 unless it contains a clear and unobstructed photographic,
15 digital, or other visual image of the driver of the motor
16 vehicle.

17 (e) The conditions specified in this section shall not
18 apply when the information gathered is used for highway safety
19 research or to issue warning citations not involving a fine,
20 court appearance, or a person's driving record.



1 SECTION 7. Notice of traffic infraction. (a)

2 Notwithstanding any law to the contrary, whenever any motor
3 vehicle is determined, by means of a photo red light imaging
4 detector system, to have disregarded a steady red signal in
5 violation of section 291C-32(a)(3), Hawaii Revised Statutes, the
6 county shall cause a notice of traffic infraction, as described
7 in this section, to be sent by certified or registered mail with
8 a return receipt, which is postmarked within seventy-two hours
9 of the time of the incident, to the registered owner of the
10 vehicle at the address on record at the vehicle licensing
11 division. If the end of the seventy-two-hour period falls on a
12 Saturday, Sunday, federal holiday, or state holiday, then the
13 ending period shall run until the end of the next day that is
14 not a Saturday, Sunday, federal holiday, or state holiday.

15 (b) Prior to the mailing of the notice of traffic
16 infraction pursuant to subsection (a), the police department
17 shall review and verify the validity of the clear and
18 unobstructed photographic, digital, or other visual image of the
19 driver of the motor vehicle required under section 6(d) of this
20 Act.



1 (c) The form and content of the notice of traffic
2 infraction shall be as adopted or prescribed by the
3 administrative judge of the district courts and shall be printed
4 on a form commensurate with the form of other summonses or
5 citations used in modern methods of arrest, so designed to
6 include all necessary information to make the notice of traffic
7 infraction valid within the laws of the State; provided that any
8 notice of traffic infraction pursuant to the photo red light
9 imaging detector systems program shall contain:

- 10 (1) The date, time, and location of the violation;
11 (2) The license number of the vehicle; and
12 (3) A clear and unobstructed photographic, digital, or
13 other visual image of the operator of the motor
14 vehicle that is to be used as evidence of the
15 violation.

16 (d) Every notice of traffic infraction shall be
17 consecutively numbered and each copy thereof shall bear the
18 number of its respective original.

19 (e) Upon receipt of the notice of traffic infraction, the
20 registered owner shall respond as provided for in section
21 291D-6, Hawaii Revised Statutes. A mail receipt signed by the



1 registered owner shall be prima facie evidence of notification.
2 The registered owner shall be determined by the identification
3 of the motor vehicle's registration plates.

4 (f) The county, or the county's agent or employee, shall
5 be available to testify as to the authenticity of the
6 information provided pursuant to this section.

7 SECTION 8. **Registered owner's responsibility for a notice**
8 **of infraction.** In any proceeding for a violation of this Act,
9 the information contained in the notice of traffic infraction
10 mailed in accordance with section 7 of this Act shall be deemed
11 evidence that the registered owner of the motor vehicle violated
12 section 291C-32(a)(3), Hawaii Revised Statutes.

13 SECTION 9. **Prima facie evidence.** (a) Whenever the photo
14 red light imaging detector system determines that an operator of
15 a motor vehicle has violated section 291C-32(a)(3), Hawaii
16 Revised Statutes, evidence that the motor vehicle described in
17 the notice of traffic infraction issued pursuant to this Act was
18 operated in violation of that section, together with proof that
19 the person to whom the notice of traffic infraction was sent was
20 the registered owner of the motor vehicle at the time of the
21 violation, shall constitute prima facie evidence that the



1 registered owner of the motor vehicle was the person that
2 committed the violation.

3 (b) The registered owner of the vehicle may present
4 evidence to rebut the evidence in subsection (a), including:

5 (1) Submitting a written statement as provided in section
6 291D-6(b)(2), Hawaii Revised Statutes;

7 (2) Testifying in open court under oath that the person
8 was not the operator of the motor vehicle at the time
9 of the alleged violation;

10 (3) Calling witnesses to testify in open court under oath
11 that the person was not the operator of the motor
12 vehicle at the time of the alleged violation;

13 (4) Providing extrinsic evidence that the person was not
14 the operator of the motor vehicle at the time of the
15 alleged violation;

16 (5) Presenting, prior to the return date established on
17 the notice of infraction issued pursuant to this Act,
18 a letter of verification of loss from the police
19 department indicating that the vehicle had been
20 reported stolen, to the court adjudicating the alleged
21 violation; or



1 (6) Identifying the driver of the motor vehicle at the
2 time of the offense.

3 SECTION 10. **Failure to answer the notice of traffic**
4 **infraction.** If the registered owner of the motor vehicle does
5 not answer the notice of traffic infraction within twenty-one
6 days of the issuance of the notice pursuant to section
7 291D-6(a), Hawaii Revised Statutes, the district court shall
8 mail, pursuant to section 291D-7(e), Hawaii Revised Statutes, a
9 notice of entry of default judgment to the address in which the
10 motor vehicle is registered.

11 SECTION 11. **Liability for rental or U-drive vehicle.** The
12 liability for any notice of traffic infraction issued pursuant
13 to this Act of any registered owner of record who is the lessor
14 of a rental or U-drive motor vehicle, as defined in section
15 286-2, Hawaii Revised Statutes, pursuant to a written lease
16 agreement, shall be as provided in section 291C-226, Hawaii
17 Revised Statutes.

18 SECTION 12. **Penalty.** The act of disregarding a steady red
19 signal, as determined by means of a photo red light imaging
20 detector system, shall be a violation of section 291C-32(a)(3),
21 Hawaii Revised Statutes, and any penalty imposed for that



1 violation shall be as provided in section 291C-161, Hawaii
2 Revised Statutes.

3 SECTION 13. **Fines for unauthorized disclosure.** All
4 personal and confidential information made available by any
5 government agency to an agent of any county for the photo red
6 light imaging detector systems pilot program shall be kept
7 confidential and shall be used only for the purposes for which
8 the information was furnished. Any officer, employee, or agent
9 of a county who intentionally discloses or provides a copy of
10 personal and confidential information obtained from a photo red
11 light imaging detector system to any person or agency without
12 authorization shall be fined not more than \$; provided
13 that the fine shall not preclude the application of penalties or
14 fines otherwise provided for by law.

15 SECTION 14. **Photo red light imaging detector systems pilot**
16 **program account established.** (a) There is established, as a
17 special account within the general fund, a photo red light
18 imaging detector systems pilot program account, into which shall
19 be paid revenues collected pursuant to this Act.

20 (b) All fines collected under this Act shall be deposited
21 into the photo red light imaging detector system pilot program



1 account. Moneys in the account shall be expended in the county
2 in which the fine was imposed, for purposes that include the
3 establishment, operation, management, and maintenance of a photo
4 red light imaging detector system.

5 SECTION 15. **Private entity; compensation.** If the county
6 procures the services of a private entity to establish, operate,
7 manage, and maintain the photo red light imaging detector
8 systems pilot program, the private entity shall not be
9 compensated in any manner that is based on the number of notices
10 of traffic infraction issued. The county shall pay to the
11 private entity a set amount of money, regardless of the number
12 of notices of traffic infraction issued.

13 SECTION 16. **Public informational and educational campaign;**
14 **grace period.** (a) At least sixty days prior to the
15 commencement of the photo red light imaging detector systems
16 pilot program, the department, in conjunction with any county
17 that implements a photo red light imaging detector systems pilot
18 program pursuant to this Act, shall conduct a comprehensive
19 informational and educational campaign to inform motorists and
20 the general public about the pilot program.



1 (b) During the thirty days immediately prior to the
2 commencement of the photo red light imaging detector systems
3 pilot program, a warning, rather than a notice of traffic
4 infraction pursuant to section 7 of this Act, shall be mailed to
5 the registered owner of the vehicle at the address on record at
6 the vehicle licensing division for a violation of section
7 291C-32(a)(3), Hawaii Revised Statutes.

8 SECTION 17. **Annual report.** The department, in
9 consultation with any county that implements a photo red light
10 imaging detector systems pilot program pursuant to this Act,
11 shall annually submit a report to the legislature not later than
12 twenty days prior to the convening of the regular sessions of
13 2021, 2022, 2023, and 2024. The reports shall include, at a
14 minimum, information on whether the implementation of the pilot
15 program has resulted in any statistically significant reduction
16 in motor vehicle accidents, traffic infractions, and other
17 traffic-related incidents. The reports shall also include
18 recommendations on how to improve the pilot program, if it
19 should be made permanent, and funding estimates.



1 SECTION 18. **Rules.** The department shall adopt rules
2 pursuant to chapter 91, Hawaii Revised Statutes, as may be
3 necessary to implement this Act.

4 PART III

5 SECTION 19. Notwithstanding any law to the contrary, any
6 affected county shall be authorized to implement a photo red
7 light imaging system pursuant to this Act.

8 SECTION 20. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2020-2021 for
11 purposes of establishing the photo red light imaging detector
12 systems pilot program.

13 The sum appropriated shall be expended by the city and
14 county of Honolulu for the purposes of this Act.

15 SECTION 21. If any provision of this Act, or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act which can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 22. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun, before its effective date.

4 SECTION 23. Upon the repeal of this Act as provided in
5 section 23:

6 (1) All contracts, agreements, permits, or other documents
7 executed or entered into by any county pursuant to
8 this Act shall remain in full force and effect until
9 terminated pursuant to the terms of the relevant
10 contract, agreement, permit, or document; and

11 (2) All unexpended and unencumbered moneys remaining in an
12 account or fund established pursuant to section 14 of
13 this Act and deemed to be in excess of the moneys
14 necessary to carry out the purposes of this Act shall
15 lapse to the credit of the general fund.

16 SECTION 24. This Act shall take effect on July 1, 2050,
17 and shall be repealed on June 30, 2023.



Report Title:

Department of Transportation; Highway Safety; Photo Red Light Imaging Pilot Program; Appropriation

Description:

Establishes a three-year photo red light imaging detector system pilot program. Authorizes any affected county to administer the photo red light imaging detector system pilot program. Establishes a photo red light imaging detector systems pilot program account as a special account within the general fund. Requires proceeds of fines expended in the county from which they were collected for operation of the photo red light imaging detector systems pilot program. Appropriates funds. Sunsets 6/30/2023. Effective 7/1/2050. (HD1)

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